

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13608, of Capitol Hill Hospital, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3104.44 to continue the use of parking lots in an R-4 District at the premises 656 Massachusetts Avenue, N. E. and 220-232 - 7th Street, N. E., (Square 865, Lots 862 and 866).

HEARING DATE: November 18, 1981
DECISION DATE: January 6, 1982

FINDINGS OF FACT:

1. The subject property is in an R-4 District. Lot 862 is located at the northwest corner of the intersection of Massachusetts Avenue and 7th Street, N. E. and is known as 656 Massachusetts Ave. Lot 866 is located at the southwest corner of the intersection of 7th Street and C Street, N. E. and is known as 220-232 7th Street, N. E.
2. By BZA Order No. 11238, dated February 7, 1973, the Board granted for five years permission to the hospital to establish an accessory parking lot. The facility was then known as Rogers Memorial Hospital. It is now known as Capitol Hill Hospital. In BZA Order No. 12680, dated September 12, 1978, the Board granted the continuance of the parking lot for a period of three years.
3. Capitol Hill Hospital is a community facility. It is the only hospital available to the citizens in this particular section of the city. The medical service rendered by the applicant is of vital importance to the community and without it the community would be hard pressed for any type of medical treatment.
4. The subject lot 862 contains thirty-three parking spaces. Lot 868 contains ninety-nine spaces. There are 175 spaces in underground parking and forty spaces located at the corner of 8th Street and Constitution Avenue. This total of 314 spaces serves the employees, doctors, visitors and patients of the Hospital. Of the subject lots, fifty-seven percent of the spaces are used by employees and forty-three percent by visitors and patients.
5. The hospital has approximately 660 employees. They work three shifts. There is less demand for the parking spaces during the night hours at which time any free

space may be used by the neighborhood residents. The lot is unattended but is supervised by the Hospital's twenty-four hour security guard system. There is television surveillance on all parking facilities.

6. The lots are now cleaned once a day. The applicant will police the lots more often if so directed. The applicant has received no complaints about the operation and maintenance of the lot. The matter of cleaning will be referenced below as a condition to the grant of this application.

7. The Office of Planning and Development, by report dated November 13, 1981, recommended that the application be approved with the provision that a certain number of parking spaces be reserved for patients and visitors. The OPD reported that the prior Board Order, under which the parking lot is now being operated, stipulates that it will be used for employees, patients and visitors. The present application states that parking for visitors and patients is extremely scarce in this area and the loss of parking spaces in this parking lot would result in a large overflow of cars parking on the nearby streets which are already crowded and under a two hour parking restriction. The Department of Transportation has stated in its report in this case that upon investigation it was found that the parking permits are issued to all employees of the hospital for all day parking and the occupancy is based on a first come first basis. This arrangement is likely to reduce considerably the chances for the visitors and patients finding space in this parking lot.

8. The Department of Transportation, by memorandum dated September 25, 1981, reported that this parking lot is used for all-day parking by employees of the Capital Hill Hospital. The DOT was informed by a hospital staff member that parking permits are issued to all employees of the hospital. The spaces in this lot are occupied on a first come basis by any permit holder. The application states that parking on the area streets is critically insufficient at this time for patients, employees and visitors of the hospital. Parking on the neighborhood streets is restricted to two hours between 7:00 A.M. and 6:30 P.M. for those who do not have Zone 6 Residential Parking Permits. The DOT's investigation revealed that the hospital does not provide parking for patients and visitors. All hospital related spaces are now restricted to use by permit holding employees and doctors. The DOT further reported that the area is well served by public transportation. Metrobus routes serving the area are the 42, eastbound on D Street, N. E. and westbound on C Street, N.E. and the 92 and 94 on 8th Street, N. E. The nearest Metrorail stations are Union Station and the Eastern Market station, both approximately 3,500 feet from this parking lot. The DOT suggested that the hospital

administration reevaluate its present policy of issuing parking permits to all employees. The DOT recommended that as a condition for approval of the parking lot continuation, the applicant be required to demonstrate that a sufficient number of spaces are set aside to satisfy the needs of patients and visitors, and the remaining spaces allotted to doctors and employees.

9. The Board finds that the OPD and the DOT are in error. The testimony of the applicant and the Stanton Park Neighborhood Association established that parking is available on the lots for visitors and patients as well as employees. Finding No. 4 explicitly attests that forty-three percent of the spaces is used by the patients and visitors. The Board finds that the applicant has complied with the recommendations of the OPD and the DOT.

10. The Capitol Hill Restoration Society, by letter filed November 17, 1981, reported that at its regularly scheduled membership meeting on November 11, 1981, the Society voted that if the BZA grants the subject application, the following conditions should be imposed:

1. The extension should not exceed three years.
2. All conditions in the 1978 renewal (Case #12680) should be repeated.

The Society reported that it appears that some of the conditions in the 1978 BZA Order have not been totally complied with, in the view of some of the Hospital's neighbors. Particular attention is directed to conditions "f" and "h" relating to landscaping, and lighting being confined to the surface of the parking lot. The Capital Hill Restoration Society further reported that the leadership of the Hospital has changed since 1978. Mr. Randall Rolfe, the Hospital president, and his staff seem genuinely concerned with abiding by the terms of the BZA order and establishing cooperative relations with the neighbors. The Society believed that the Hospital's plans to work with the Stanton Park Neighborhood Association in monitoring the parking lot conditions should prove especially helpful.

11. The Stanton Park Neighborhood Association, by correspondence and at the public hearing, recommended that the application be approved with conditions. The Association recommended that approval be for three years from September 12, 1981. Order #12680 also contains seven additional conditions regarding barriers, landscaping and lighting, which the Association wished to see reimposed on any BZA order granting approval of this new application. In addition, the association desired to see added to these conditions a requirement that the Hospital work with

neighbors on maintaining landscaping. The Hospital management has agreed that neighborhood representatives monitor the condition of any landscaping and request improvements when necessary. The Association recommended that the Hospital take responsibility for policing the parking lot so as to eliminate the noise and disturbances which have existed there in the past. The Association noted that the Hospital has also agreed to this condition, but neighborhoods rightfully feel the need of the further protection which would be provided by a B.Z.A. order which includes these last two conditions. The Association further reported of the increase cooperation of the applicant with the neighborhood.

12. One person testified at the Public Hearing in opposition to the application. He disagreed with the applicant's testimony that the lots were kept free of refuse and debris. He complained that the sidewalks surrounding the lot were not cleaned quickly enough of ice and snow. He further complained that areas removed from the immediate site were commercially zoned and caused a traffic impact. He feared the subject site might be developed with commercial uses and cause the same traffic impact. The opposition further recommended that the lots not be used for commuter parking, and that the lots be limited to serving existing Hospital needs.

13. The record was left open at the end of the public hearing for the applicant to submit a detailed landscaping plan, a policing plan, parking arrangement plan for patients, visitors, staff and employees, lighting impact plan, a list of the number of employees on each shift, and an exploration of the possibility of not giving parking decals to all employees.

14. Advisory Neighborhood Commission 6A made no recommendation on the application.

15. In response to the Board's request for more information, the applicant submitted to the record a copy of an agreement dated November 24, 1981, between the Hospital and the Stanton Park Neighborhood Association. The Hospital stated its agreement to install and maintain landscaping, police the lot on a daily basis, patrol the lots by personal and television surveillance, adjust the lighting as to reduce impact on surrounding houses and remove snow and ice from all sidewalks.

16. The applicant was not aware of any complaints from the neighborhood about the condition and operation of the parking lot. The response of the applicant outlined above, to concerns raised at the public hearing, evidences the applicant's desire to work to resolve directly all valid complaints.

17. The general concerns of the Capital Hill Restoration Society, Stanton Park Neighborhood Association and the individual opposition have been addressed in the agreement cited in Finding No. 15 above.

18. The issues of employee or commuter parking is partially addressed in Findings 4 and 9. The Board further finds that one of the basic purposes of these lots is to provide accessory parking for employees who work on the various shifts of the Hospital. Such use is entirely appropriate, and serves the legitimate needs of the Hospital. As to future Hospital needs for other programs or facilities, such need must be addressed if and when such new programs and facilities came before appropriate District of Columbia agencies for review.

CONCLUSIONS OF LAW AND OPINION:

Based on the record the Board concludes that the applicant is seeking a special exception, the granting of which requires a showing through substantial evidence that the applicant has complied with the requirements of Paragraph 3104.44 and that the relief requested under Sub-section 8207.2 can be granted as in harmony with the general purpose and intent of the Zoning Regulations and will tend to affect adversely the use of neighboring property. The Board concludes that the applicant has met its burden of proof and that the application, as hereinafter conditioned, may be granted. Accordingly, it is ORDERED that the application is GRANTED SUBJECT to the following CONDITIONS:

- A. Approval shall be for a period of three years commencing from the date of the expiration of the prior Certificate of Occupancy, namely September 12, 1981.
- B. The parking lot shall serve doctors, staff employees, patients and visitors.
- C. The applicant shall comply with all the conditions recited in the Memorandum of Understanding, marked as Exhibit No. 25 of the record, a copy of which is attached hereto and made a part of this Order, between the Stanton Park Neighborhood Association and the Capitol Hill Hospital relating to the issues of landscaping, parking lot maintenance, security, parking lot lighting and snow removal.
- D. All areas devoted to driveways, access lanes and parking area shall be maintained with a paving of material forming an all-weather impervious surface.

- E. Wheel stops shall be erected and maintained for the protection of all adjoining buildings.
- F. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.
- G. All parts of the lot shall be kept free of refuse or debris and shall be paved or landscaped. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.
- H. No other use shall be conducted from or upon the premises and no structure other than an attendant's shelter shall be erected or used upon the premises unless such use or structure is otherwise permitted in the zoning district in which the parking lot is located.
- I. Any lighting used to illuminate the parking lot or its accessory building shall be so arranged that all direct rays of such lighting are confined to the surface of the parking lot.

VOTE: 5-0 (Walter B. Lewis, Douglas J. Patton, Charles R. Norris, William F. McIntosh and Connie Fortune to grant)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: MAY 12 1982

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS AND INSPECTIONS.